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IN THE DISTRICT COURT OF GUAM
TERRITORY OF GUAM

LOURDES P. AGUON-SCHULTE,

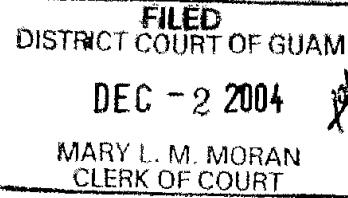
) CIVIL CASE NO. *cv 1103-04*
04-00045

Plaintiff,

)
vs.

THE GUAM ELECTION COMMISSION,
et al.,

) Defendants.



JAY MERRILL, on his own behalf and on
behalf of all other similarly situated voters
desirous of casting a vote in favor of
Proposal A at a fair and legal election,

) CIVIL CASE NO. 04-00046

Plaintiffs,

)
vs.

THE GUAM ELECTION COMMISSION;
GERALD A. TAITANO, in his capacity as
the Executive Director of THE GUAM
ELECTION COMMISSION, I MINA'
BENTE SIETE NA LIHESLATURAN
GUAHAN (The 27th Guam Legislature);
FELIX P. CAMACHO, in his official
capacity as the GOVERNOR OF GUAM.

) STATEMENT OF NON-AGREEMENT ON
HEARING DATE ON MOTION FOR
SUMMARY JUDGMENT;
REQUEST FOR ORAL ARGUMENT ON
MOTION FOR SUMMARY JUDGMENT

Defendants.

)

This Agreement of Hearing Date is submitted pursuant to Local Rules 7.1(b), 7.1(e)(1), and
7.1(e)(2).

1. I, Thomas L. Roberts, am the attorney for the Plaintiff in this matter. On Tuesday,
November 23, 2004, I sent the letter attached hereto as Exhibit A via facsimile to counsel for all

Agreement of Hearing Date

Aguon-Schulte v. Guam Election Commission, et al.;
Merrill, etc., et al. v. Guam Election Commission, et al.
Civil Case No. CIV04-00046
Page 2

other parties, in which I requested them to agree to one of several proposed hearing dates on the pending motion for summary judgment.

2. The attorneys for the opposing parties are:

- a. Cesar C. Cabot, Esq.
- b. Therese M. Terlaje, Esq.
- c. Shannon J. Taitano, Esq.
- d. Michael A. Pangelinan, Esq.
- e. Office of the Attorney General

3. Therese Terlaje, counsel for the Legislature, agreed to a hearing date of December 17, 2004. However, as of today, Thursday, December 2, 2004, no other attorney representing any other party has agreed to any of my proposed hearing dates.

4. I request that oral argument on my pending motion for summary judgment be scheduled by the Court as soon as practicably possible under the Federal Rules of Civil Procedure.

Respectfully submitted this 2nd day of December, 2004.

DOOLEY ROBERTS & FOWLER LLP

By: 
THOMAS L. ROBERTS
Attorneys for Plaintiffs

DOOLEY ROBERTS & FOWLER LLP
ATTORNEYS AT LAW

DAVID W. DOOLEY
THOMAS L. ROBERTS
KEVIN J. FOWLER
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MELINDA C. SWAVELY

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November 23, 2004

Via Facsimile

Cesar C. Cabot, Esq.
Law Office of Cesar C. Cabot
2nd Floor, BankPacific Building
825 South Marine Corps Drive
Tamuning, Guam 96913
Facsimile No. 646-0777

Therese M. Terlaje, Esq.
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Hagatna, Guam 96932
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Shannon J. Taitano, Esq.
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655 South Marine Corps Drive
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Office of the Attorney General
Suite 2-200E, Guam Judicial Center
120 West O'Brien Drive
Hagåtña, Guam 96910
Facsimile No. 472-2493

Re: *Merrill v. Guam Election Commission*; District Court Case No. CIV04-00046

Dear Counsel:

As you know, I have filed a motion for summary judgment. Rule 7.1(e)(2) of the District Court Local Rules ("LR") requires me to file an "Agreement of Hearing Date" if I want to orally argue my motion, which I do. Fridays are "Motion Day" under District Court General Rule ("GR") 10.1. Therefore, I propose an agreed hearing date of Friday, December 17, 2004 at 9:30 a.m., which is the soonest the motion could be argued under LR 7.1(b)'s 21 day notice of hearing requirement. If this is not acceptable, then I propose Thursday, December 23, 2004 at 9:30 a.m. in accordance with GR 10.1, since Friday, December 24, 2004 is a holiday at the District Court. If this is unacceptable, then I propose Thursday, December 30, 2004 at the hour of 9:30 a.m., since Friday, December 31, 2004 is a legal holiday at the District Court. If none of these three

EXHIBIT A

November 23, 2004

Page 2

proposed hearing dates is acceptable to everyone, I will simply file a blank "Agreement of Hearing Date" with the Court pursuant to LR 7.1(e)(2) along with a notation that the non-moving parties have not agreed on a hearing date.

Please let me know by email this week your preferences. Thanks.

Sincerely,

DOOLEY ROBERTS & FOWLER LLP



Thomas L. Roberts

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Agreement of Hearing Date
Aguon-Schulte v. Guam Election Commission, et al.;
Merrill, etc., et al. v. Guam Election Commission, et al.
Civil Case No. CIV04-00046
Page 3

CERTIFICATE OF SERVICE

I, **THOMAS L. ROBERTS**, hereby declare that on December 2nd, 2004, I caused a copy of Plaintiffs' Statement of Non-Agreement on Hearing Date on Motion for Summary Judgment; Request for Oral Argument on Motion for Summary Judgment to be served upon the following:

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Office of the Attorney General
Suite 2-200E, Guam Judicial Center
120 West O'Brien Drive
Hagåtña, Guam 96910

Dated this 2nd day of December 2004.



THOMAS L. ROBERTS